



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**MIGUEL VILLANOVA,**

**Plaintiff,**

**- against -**

**JOHN C. HARBILAS,**

**Defendant.**

**ORDER**

**08 Civ. 10448 (PKC) (RLE)**

**RONALD L. ELLIS, United States Magistrate Judge:**

*Pro se* Plaintiff Villanova filed this action on December 3, 2008. On April 9, 2009, and on May 29, 2009, the Court ordered Villanova to either serve Defendant or show good cause why this case should not be dismissed for failure to prosecute. Although there were problems concerning his address, his address is now current and the summons was re-issued August 12, 2009. To date, he has failed to serve Defendant. Therefore,

**IT IS HEREBY ORDERED** that Villanova either **SERVE DEFENDANT** or **SHOW GOOD CAUSE** by **November 13, 2009**, why this case should not be dismissed for failure to prosecute. Failure to respond will result in dismissal of this case.

**SO ORDERED this 1st day of October 2009  
New York, New York**

**The Honorable Ronald L. Ellis  
United States Magistrate Judge**